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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/683,932

10/09/2003

Kenneth R. Schulz

1934-15-3

2201

7590

09/12/2006

Bryan A. Santarelli
GRAYBEAL JACKSON HALEY LLP
Suite 350
155 - 108th Avenue NE
Bellevue, WA 98004-5901

EXAMINER

LAI, VINCENT

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/683,932	SCHULZ ET AL.	
	Examiner	Art Unit	
	Vincent Lai	2181	

All participants (applicant, applicant's representative, PTO personnel):

(1) Vincent Lai.

(3) Bryan Santarelli.

(2) Fritz Fleming.

(4) John Rapp.

Date of Interview: 07 September 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1, 4 and 11.

Identification of prior art discussed: Wong et al (U.S. Patent # 6,282,627 B1).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Fritz M. Fleming

FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

9/8/2006

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Interview Summary

An interview was conducted on 7 September 2006 over the telephone with Vincent Lai, Fritz Fleming, Bryan Santarelli, and John Rapp.

Items discussed were the 35 USC 112 rejections, 35 USC 102 rejections using Wong et al (U.S. Patent # 6,282,627 B1) of claims 1, 4, and 11.

Attorney provided evidence of disclosure to overcome written description and enablement rejections and was suggested to include an explanation in remarks to be submitted detailing how specification already details subject matter rejected for lack of written description and enablement.

Attorney pointed out where Wong et al may be deficient and further clarified claims in manner in which Applicant meant them to be interpreted. Claim language changes were discussed. Specifically, detailing that system is comprised of independent and separate chips with respect to claims 1 and 4, and further adding structure to claim 11 as to succinctly claim the intended structure and invention.

Please note that the original e-mail sent on 30 August 2006 will also be made of record in the application file per MPEP § 502.03.

Art Unit: 2181

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Lai whose telephone number is (571) 272-6749.

The examiner can normally be reached on M-F 8:00-5:30 (First BiWeek Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Lai
Examiner
Art Unit 2181

vi

September 5, 2006

Lai, Vincent

From: Bryan A. Santarelli [bryans@graybeal.com]
Sent: Wednesday, August 30, 2006 3:46 PM
To: Lai, Vincent
Cc: Rapp, John W
Subject: 10/683,932 (1934-015-03)

Per our conversation earlier today, this is an email requesting a telephone interview to discuss this application.

The application is currently under final rejection. However, I requested, in writing in the response to the first office action, a telephone interview prior to the issuance of a final action.

We disagree that the claims are unpatentable in view of Wong, and would like to specifically point out how the claims define over Wong. Also, we would like to point out claim support in the specification to overcome the 112 rejections. Our goal is: 1) to come to an agreement with the examiner that will define the claims over the cited art, so that if we file an RCE we will not be getting the same rejection, or 2) determine that we are at an impasse that can be resolved only on appeal.

One of the coinventors, John Rapp, will also participate in the interview.

We are currently available September 5-7, 11-12, and 18-19 12 noon EDT or after.

Thank you!

Please note that I will be out of the office from September 25 - October 13, 2006, and will return to the office on or shortly after October 16, 2006. During my absence, I may be unable to check voicemail and email. Therefore, if you need assistance during my absence, please contact my assistant Kelly Pedersen (kpedersen@graybeal.com) and/or my partner Paul Rusyn (prusyn@graybeal.com). They can be reached at the below telephone numbers. Thank you!

Sincerely yours,

Bryan Santarelli

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Bellevue, WA 98004-5973
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Ph: 425-455-5575
Fax 425-455-1046

Privileged/Confidential Information may be in this message. If you are not the intended addressee, please treat this message as confidential, contact me immediately, discard the message, and do not use or retain its contents. Thank you.

9/7/2006